

# FEDERAL REGISTER



VOLUME 5 1934 NUMBER 81

Washington, Thursday, April 25, 1940

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

**EIGHTH AMENDMENT TO REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS, AS AMENDED.**

The "Regulations and Conditions Governing the Issuance of Food Order Stamps, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products," made and prescribed by the Secretary of Agriculture on April 21, 1939,<sup>1</sup> as amended, are hereby further amended as follows:

(1) Section 100 is amended by inserting at the end thereof the following:

"If in the judgment of the Corporation, the issuance of food order stamps to any class or classes of eligible persons will not effectuate the purposes of the food stamp program, such class or classes may be excluded."

(2) By inserting as Section 209 the following:

"Eligibility to Accept Food Order Stamps. Any retail food store merchant may accept food order stamps in exchange for food or surplus food provided he has, if required to do so by the Corporation, filed an application for participation in a form prescribed by the Corporation."

(3) By inserting as Section 210 the following:

"Authorized Representative. Any eligible person may designate a rep-

resentative for the purpose of obtaining food stamp books: *Provided, however,* That such representative is not the owner or employee of a retail food store or one who will derive any pecuniary benefit from the agency relationship."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the City of Washington, this 24th day of April, 1940.

[SEAL]

H. A. WALLACE,  
*Secretary of Agriculture.*

Effective date, May 10, 1940.

[F. R. Doc. 40-1613; Filed, April 24, 1940; 11:47 a. m.]

#### COTTON STAMP PLAN—REGULATIONS AND CONDITIONS

By virtue of the authority vested in the Secretary of Agriculture by law, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations and conditions, to be in force and effect until amended or superseded by regulations or conditions hereafter made by the Secretary of Agriculture pursuant to law.

#### ARTICLE I—DECLARATION OF POLICY

**SEC. 100.** It is hereby declared to be the policy of the Secretary of Agriculture to effectuate further the purposes of Section 32, Public Law No. 320, 74th Congress, as amended, and Public Law No. 165, 75th Congress, as amended, by the establishment of a Cotton Stamp Plan designed to remove a part of the accumulated national surplus of cotton by means of increasing and encouraging the domestic consumption of cotton produced in the United States and of the products thereof processed and manufactured from such cotton in the United States. In carrying out the Cotton Stamp Plan, the Secretary of Agriculture shall: (1) seek to encourage the increase of regular purchases of domestic cotton and domestic cotton products; (2) give paramount consideration to family budgets and the need for cot-

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<sup>1</sup> 4 F.R. 1683



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ton and cotton products of persons receiving public assistance or persons in low income groups; (3) provide the most widespread utilization of cotton order stamps by eligible persons consistent with reasonable and economic administration; (4) not impose or permit the imposition of any standards, requirements, or interpretations inconsistent with the declared policy of the plan; and (5) construe the regulations and conditions herein set out in such a way as to expedite the efficient effectuation of the purposes of the plan.

### ARTICLE II—DEFINITION

SEC. 200. As used on the stamp order book, on the face of the cotton order stamps, in any instrument or document

in connection with cotton order stamps, and in these regulations and conditions, unless the context clearly indicates another meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Department" means the United States Department of Agriculture.

(c) "FSCC" or "Corporation" means the Federal Surplus Commodities Corporation.

(d) "Designated area" means a geographical area designated by the Corporation as an area in which cotton order stamps may be issued and used: *Provided, however*, That stamps may be used in any eligible retail dry goods store as defined herein.

(e) "Cotton and cotton goods" means any commodity or product which is made entirely in the United States and entirely from cotton produced in the United States; which is new and which is sold in retail dry goods stores for human or household use. Bindings, buttons and other fasteners, findings and trimming, shall not be considered in determining whether such commodity or product is made entirely of cotton.

(f) "Retail dry goods store" means a merchandising establishment located within a designated area where a retailer carries on, in whole or in part, the normal business of selling cotton or cotton goods to buyers for consumption and not for resale in any form and merchandising establishments engaged in the retail distribution of cotton or cotton goods through the mail, whether or not such establishment is located in a designated area, whenever, in the judgment of the Corporation, the inclusion of the latter establishments would effectuate the purposes of the program. "Retail dry goods store" shall not include peddlers or other itinerant merchants.

(g) "Family" means persons living together in one household as an interdependent economic group.

### ARTICLE III—REGULATIONS

SEC. 300. *Eligibility to receive cotton order stamps.* Cotton order stamps shall be issued only to persons certified by duly authorized agencies as eligible for public assistance who, when so required, present evidence of such certification: *Provided, however*, That whenever the Corporation shall deem it desirable to do so in order to effect the cotton distribution plan, it may issue green cotton order stamps and brown surplus cotton order stamps only, to duly authorized agencies for, and on behalf of, persons or classes of persons who in the judgment of the Corporation require public assistance. After the issuance of the second book or series of books of cotton order stamps to any eligible person, no book or series of books shall be issued to such person unless such person executes such certification relative to the use of each book of cotton order stamps

as the Corporation may require or there have been turned in to the issuing officer the covers of the initial book or series of books together with the proper certification of the holder provided for thereon. If the Corporation requires the return of the covers of books of cotton order stamps, except as hereinafter provided no holder shall be eligible to receive further books unless he has in like manner, with like certification turned in the covers of all books previously issued, except the last book or series of books immediately preceding. In the event that the holder loses the cover of any book, he shall be eligible to receive further books only upon execution and presentation to the issuing officer of an affidavit of loss containing a certification similar to that appearing on the cover of the lost book. If the holder, because of failure to purchase or obtain cotton order stamps in any purchase period, is unable to turn in the required stamp book covers, he shall be deemed eligible to receive further books only if the certifying agency certifies to the Corporation or its authorized representative that the holder refrained from purchasing or obtaining stamps because of a substantial and emergency need. If the certifying agency fails to make such certification the holder may appeal to the Corporation or its authorized representative and the holder shall be reinstated as eligible, if in the judgment of the Corporation or its authorized representative it is desirable to do so in order to effectuate the cotton stamp plan. If in the judgment of the Corporation, the issuance of cotton order stamps to any class or classes of eligible persons will not effectuate the purposes of the cotton stamp program, such class or classes may be excluded.

SEC. 301. *Issuance of cotton order stamps.* Green cotton order stamps and brown surplus cotton order stamps shall be issued by the Corporation to eligible persons either directly or through any agency designated by the Corporation. For such purpose and for such other purposes as the Corporation may deem necessary and proper in the effectuation of the cotton stamp plan, the Corporation may enter into agreements or undertakings with duly authorized public or private agencies and instrumentalities, and may utilize, in addition to the officers and employees of the Corporation and of the Department, the personnel of such agencies and instrumentalities.

SEC. 302. *Eligibility to accept cotton order stamps.* Any retail dry goods store merchant may accept cotton order stamps in exchange for cotton or cotton goods provided he has, if required to do so by the Corporation, filed an application for participation in a form prescribed by the Corporation.

SEC. 303. *Payment of claims supported by properly presented cotton order stamps.* Any eligible retail dry goods merchant who delivers cotton or cotton

goods to an authorized holder of cotton order stamps in accordance with the conditions made herein shall be entitled, in the event a proper claim or payment is made and presented, supported by such stamps, stamp cards, vouchers, and other forms as the Corporation may require, to receive payment from funds held by or for the Corporation for the face value of green cotton order stamps or brown surplus cotton order stamps, or both. The determination of the Corporation as to the validity of any claim shall be final. Wholesalers and banks may act as agents for retail dry goods merchants in presenting such claims to the Corporation for payment.

**SEC. 304. Refunds.** In the event cotton order stamps are not presented for delivery of cotton or cotton goods thereon, the Corporation shall make proportionate refunds on green cotton order stamps if returned to the Corporation by the person to whom originally issued together with brown surplus cotton order stamps in the same ratio in which received. The Corporation shall make no refunds to the heirs or estate of any person to whom cotton order stamps have originally been issued or to any person who has relinquished control thereof either voluntarily or by virtue of legal process.

#### ARTICLE IV—CONDITIONS

**SEC. 400. Amount and ratio of cotton order stamps available to any eligible person.** Any person eligible to receive cotton order stamps may purchase or obtain in lieu of money payment in each three-month period green cotton order stamps in accordance with the following: (a) for one person or a family of two persons, a minimum value of two dollars (\$2) or a maximum of three dollars (\$3); (b) for a family of three or four persons, a minimum value of three dollars (\$3) or a maximum of five dollars (\$5); (c) for a family of five persons or more, a minimum of four dollars (\$4) or a maximum of six dollars (\$6). If it is determined by the Corporation that certain designated persons or family groups have insufficient funds or means to purchase or obtain the minimum of green cotton order stamps herein prescribed, the Corporation may fix a lower minimum for such persons or family groups. Any person purchasing or obtaining green cotton order stamps shall be given brown surplus cotton order stamps in the ratio of one brown surplus cotton order stamp for each green cotton order stamp purchased or obtained; *Provided, however,* That if in certain States, political subdivisions thereof, or areas a substantial proportion of certain or all classes of eligible persons is found by the Corporation to be unable to purchase or obtain green cotton order stamps, or is able to purchase or obtain such stamps only in an amount substantially below the minimum provided in this section, brown surplus cotton order stamps may be given in an amount determined by the

Corporation and without regard to the purchasing or obtaining of green cotton order stamps.

**SEC. 401. Authorized representative.** Any eligible person may designate a representative for the purpose of obtaining cotton stamp books: *Provided, however,* That such representative is not the owner or employee of a retail dry goods store or one who will derive any pecuniary benefit from the agency relationship.

**SEC. 402. Cotton and cotton goods obtainable by use of cotton order stamps.** Green cotton order stamps and brown surplus cotton order stamps may be used in any eligible retail dry goods store for any cotton or cotton goods sold in such stores.

**SEC. 403. Limitations on use of stamps.** No retail dry goods merchant, nor any manager, clerk, assistant, or other person acting for him, shall accept cotton order stamps unless such stamps are detached in the presence of such person at the time of the delivery of cotton or cotton goods to the person authorized to receive such cotton or cotton goods: *Provided, however,* That authorized merchandising establishments may accept detached cotton order stamps accompanying an order received through the mail when the goods ordered are to be delivered by mail. Cotton order stamps shall not be accepted in payment of debts previously incurred. Cotton order stamps shall not be sold, transferred, assigned, or negotiated by any person preliminary to the proper delivery of cotton or cotton goods thereon, or used for any purpose or to effect any arrangement, agreement, scheme, or device contrary to the plan outlined herein. Cotton or cotton goods delivered to any eligible person by virtue of the presentation of cotton order stamps shall be utilized by such person and his family in the normal course of utilization of cotton or cotton goods by such person or family.

**SEC. 404. Duty of retail dry goods merchants or their representatives.** It shall be the duty of any retail dry goods merchant, or any manager, clerk, assistant, or other person acting for him, to make every reasonable effort to determine that the person presenting stamps for cotton or cotton goods is the person whose name appears on the book of stamps, or is an authorized representative of such person, or to require satisfactory identification if he has any reason to doubt the identity of the person or his right to possession of the stamps.

**SEC. 405. Change.** No retail dry goods merchant, and no manager, clerk, assistant, or other person acting for him, shall give change in currency or otherwise in connection with cotton or cotton goods delivered for cotton order stamps, or, except as provided in this section, deliver cotton or cotton goods of a value less than either a single stamp or a multiple thereof: *Provided, however,* That if such merchant or person so desires, and if

the cotton or cotton goods delivered are of a value less than either a single stamp or a multiple thereof, he may extend credit in the form and manner approved by the Corporation for future delivery of cotton or cotton goods, as the case may be, for the balance of the face value of any cotton order stamp.

**SEC. 406. Taxation.** The Corporation shall not honor any claim evidenced by brown surplus cotton order stamps made to the Corporation for payment where the retail dry goods merchant, by virtue of the existence of any tax measured by receipts from retail sales, has delivered cotton or cotton goods of an actual value of less than the face value of each brown surplus cotton order stamp evidencing and supporting such claim, or has otherwise passed the incidence of such tax upon the stamp holder. Nothing herein contained shall affect the privilege of giving credit as provided in section 405 hereof, nor be interpreted to acknowledge the applicability of any tax measure to cotton stamp transactions.

**SEC. 407. Relief agencies.** If, in any designated area in which an agency is supervising or administering the issuance of cotton order stamps, the Secretary, or his duly authorized representative, after reasonable notice and opportunity for hearing, finds that there have been imposed unreasonable or arbitrary requirements as to eligibility of persons to receive cotton order stamps or finds that there has been a failure to abide by the conditions contained herein or to comply with the terms of any agreement or understanding with the Secretary or the Corporation in connection with the administration of the cotton stamp program, the Secretary, or his duly authorized representative, shall notify such agency that cotton order stamps will not be available in such area until the Secretary, or his duly authorized representative, is satisfied that the unreasonable or arbitrary requirement is no longer so imposed and that there is no longer any failure to abide by such conditions, agreement, or understanding. Nothing contained herein shall be construed to limit the right of the Secretary to withdraw the cotton stamp program from any area whenever he has reason to believe that the provisions of Section 32, Public Law No. 320, 74th Congress, as amended, and Public Law No. 165, 75th Congress, will not be effectuated by the continuation thereof.

**SEC. 408. Penalties.** Any person who makes or causes to be made, or presents or causes to be presented for payment to or approval by any person or officer in the Corporation or anyone acting as agent for the Corporation, any claim upon the Corporation for payment of cotton order stamps, knowing such claim to be false, fictitious, or fraudulent, or in violation of the conditions herein contained; or whoever, in connection with the obtaining, holding, presentation, use,

and payment upon cotton order stamps, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use, or cause to be made or used, any false stamp, stamp book, stamp card, certificate, voucher, bill, account, or claim, knowing the same to contain any fraudulent or fictitious statement or entry or to be in violation of the conditions herein contained, shall be subject to the fines and punishment as provided in the United States Criminal Code and elsewhere and shall be denied further participation, indefinitely or for a determined period, in the cotton stamp plan.

**SEC. 409. Violations of conditions.** Whenever the President, the Acting President, or the Executive Vice President of the Corporation shall determine that any person has violated, or is violating, the conditions herein contained, or any amendment thereto, he may issue an order denying to such person, indefinitely or for such period as he may determine, the privilege of further participation in the cotton stamp plan. For this purpose the President or the Acting President of the Corporation may adopt and promulgate, and from time to time modify or amend, such practice and procedure as he may deem necessary, not inconsistent with the provisions of these regulations and conditions. The President, the Acting President, or the Executive Vice President of the Corporation may suspend alleged violators from participation in the cotton stamp program at any time prior to or pending final determination as provided above, and may, as to the issuance of any order denying participation or as to any suspension as provided herein, take such action as to any such order or suspension which shall to him seem reasonably designed to make effective the terms thereof.

#### ARTICLE V—CONSTRUCTION

**SEC. 500. Administrative interpretations.** The Corporation, in its discretion, may promulgate and issue administrative interpretations of any of the regulations and conditions herein contained, and such interpretations shall be final.

**SEC. 501. Derogation of rights.** Nothing contained in these regulations and conditions, or in any administrative interpretation thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Corporation, or of the United States to exercise any jurisdiction or power granted by law.

In witness whereof, the Secretary of Agriculture has executed these regulations and conditions in duplicate and has hereunto set his hand and caused the official seal of the Department of

Agriculture to be affixed hereto in the City of Washington, District of Columbia, this 24th day of April 1940.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-1614; Filed, April 24, 1940; 11:47 a. m.]

### TITLE 19—CUSTOMS DUTIES

#### CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50141]

#### CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

APRIL 22, 1940.

*To Collectors of Customs and Others Concerned:*

The following-named airports<sup>1</sup> are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their names:

Name	Location	Date of redesignation
Bellingham Airport.	Bellingham, Wash.	Apr. 18, 1940
Malone Airport.	Malone, N. Y.	Apr. 18, 1940
Cape Vincent Harbor.	Cape Vincent, N. Y.	Apr. 23, 1940

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 40-1612; Filed, April 24, 1940; 11:41 a. m.]

### TITLE 43—PUBLIC LANDS: INTERIOR

#### CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1469]

#### ACTIONS ON GRAZING LEASES BY THE COMMISSIONER OF THE GENERAL LAND OFFICE

APRIL 17, 1940.

The Commissioner of the General Land Office is hereby authorized to take all actions required in connection with the issuance, modification, renewal, assignment or cancellation of grazing leases, and the disposition of protests and conflicting applications, subject to the right of appeal to the Secretary of the Interior. All actions of the Commissioner will be subject to review by the Secretary on his own motion, as well as on appeal.

In order to carry these instructions into effect, paragraphs 5 (f), 19, 20, 23, 24, 25, and 27 of Circular No. 1401,<sup>2</sup> dated

April 30, 1937 (56 I.D. 447), which are carried in the Code of Federal Regulations as §§ 160.7 (f), 160.20, 160.21, 160.24, 160.25, 160.26 and 160.28, respectively, are hereby amended to read as follows:

§ 160.7 (f) (5f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Commissioner of the General Land Office as to the kind or number of stock, seasons of use or grazing plans.\*

§ 160.20 (19) *Offer of lease; appeals.* If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by the Commissioner of the General Land Office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. The Commissioner is hereby authorized to take all actions required in connection with the issuance, modification, renewal, assignment or cancellation of grazing leases, and the disposition of protests and conflicting applications, subject to the right of appeal to the Secretary of the Interior. All actions of the Commissioner will be subject to review by the Secretary on his own motion, as well as on appeal.\*

§ 160.21 (20) *Issuance of lease.* If the proposed lease is properly executed and returned to the General Land Office, it will be considered, together with any protests or conflicting applications. If all be found regular, a lease will be issued by the Commissioner after final action has been taken on the protests, or conflicting applications, if any. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease or leases, will be determined by the Commissioner of the General Land Office, on the basis of all the facts presented.\*

§ 160.24 (23) *Term of lease.* When the necessary basic information has been secured by the Division of Investigations, leases may be issued in the discretion of the Commissioner of the General Land Office for periods of not more than ten years. However, when the facts and

<sup>1</sup> This document affects the tabulation in 19 CFR 4.13.

<sup>2</sup> F.R. 836.

\*These regulations are issued under the authority contained in sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U.S.C. 315m and sup.

circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data, the leases will be limited to one year. When a lease expires it may be renewed, for periods of not more than ten years, in the discretion of the Commissioner, upon such terms and conditions as he may prescribe.\*

§ 160.25 (24) *Use of lands.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of a lease for any reason or upon termination of a lease, except when a renewal is requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. All decisions of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.\*

§ 160.26 (25) *Causes for cancellation of lease.* A lease may be canceled by the Commissioner of the General Land Office:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with the regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Commissioner of the General Land Office.

Each lessee must accept as final any decision rendered by the Commissioner of the General Land Office, with reference to the violations of the terms of the lease, unless the decision is modified or set aside by the Secretary of the Interior, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancellation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.\*

§ 160.28 (27) *Assignment of lease.* Proposed assignments of a lease, in whole or in part, must be submitted to the Commissioner of the General Land Office, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Commissioner.\*

*Amendment of lease form.* The form of lease for grazing livestock, Form 4-722, is carried in the Code of Federal Regulations as § 160.30. The attached portions of this form are hereby revised, in order to conform to the regulations, as herein amended.

FRED W. JOHNSON,  
Commissioner.

Approved, April 17, 1940.

HAROLD L. ICKES,  
Secretary of the Interior.

§ 160.30 *Form of grazing lease.*  
[Form 4-722]

This indenture of lease, entered into as of \_\_\_\_\_ by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the Commissioner of the General Land Office and \_\_\_\_\_ (Name of applicant) of \_\_\_\_\_ (Post-office address), party of the second part, hereinafter called the lessee.

WITNESSETH:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following-described tract of land:

\_\_\_\_\_ containing approximately \_\_\_\_\_ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of \_\_\_\_\_ years, and if at the end of said period it shall be determined that a new lease should be granted, the lessee herein will be accorded a preference right thereto upon such terms and for such duration as may be fixed by the lessor. In consideration of the foregoing, the lessee hereby agrees:

(f) The lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect

other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of this lease for any reason or other termination thereof except when a renewal is requested, the Commissioner of the General Land Office may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. The decision of the Commissioner will be subject to the right of appeal to the Secretary of the Interior. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the lease premises without the written consent of the Commissioner of the General Land Office.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By \_\_\_\_\_  
Commissioner of the General Land Office.

Lessee,

Witnesses to signature of Lessee:

[F. R. Doc. 40-1609; Filed, April 24, 1940;  
9:16 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS, MINIMUM PRICES AND MARKETING RULES AND REGULATIONS AS COORDINATED FOR DISTRICTS NUMBERS 1 TO 20, INCLUSIVE, 22 AND 23

ORDER MAKING AVAILABLE FOR INSPECTION THE REPORT OF EXAMINERS IN ABOVE ENTITLED MATTER, INCLUDING SCHEDULES OF RECOMMENDED MINIMUM PRICES AND RECOMMENDED MARKET AREAS; PROVIDING FOR FILING OF EXCEPTIONS TO SAID REPORT AND OF REQUEST FOR REVIEW OF OTHER PHASES OF ABOVE ENTITLED MATTER; AND PROVIDING FOR PRESENTATION OF BRIEFS AND ORAL ARGUMENT BEFORE DIRECTOR

The Examiners designated to conduct the hearing in the above entitled matter by Order dated May 16, 1939, of the National Bituminous Coal Commission, and by Order dated July 8, 1939, of the Bituminous Coal Division of the United States Department of the Interior, having submitted to me, on April 13, 1940, in accordance with the terms of said Orders, their complete Report containing proposed findings of fact and conclusions

and a recommended order in the premises, including Schedules of recommended minimum prices and a Schedule of recommended market areas; and

A portion of said Report, consisting of proposed findings of fact on certain general matters (being pages 1 to 122 of said Report), proposed findings of fact with respect to recommended minimum prices for coals of Districts 15 to 20, inclusive, 22 and 23 moving by rail into Market Areas 213-254 for all uses except railroad fuel (being pages D-1 to D-236 of said Report), the Schedules of recommended minimum prices for Districts 16 to 20, inclusive, 22 and 23, and the Schedule of recommended market areas, having been submitted to me on March 21, 1940, and having been mailed on March 23, 1940, to all interested persons who appeared at said hearing, to the Consumers' Counsel, to each district board, and to each Statistical Bureau of the Division; and

Copies of the Schedules of recommended minimum prices for Districts 1 to 15, inclusive, having been mailed on April 13, 1940, and copies of the complete Report, except the portion described above, having been mailed on April 20, 22 and 23, 1940, to all interested persons who appeared at said hearing, to the Consumers' Counsel, to each district board, and to each Statistical Bureau of the Division; and

The said Report and the Schedules of recommended minimum prices and recommended market areas having been filed on April 23, 1940, with the Division of the Federal Register, for publication in the FEDERAL REGISTER:<sup>1</sup>

*It is ordered*, That copies of the complete Report, including said Schedules of recommended minimum prices and recommended market areas, be made available for public inspection at the Office of the Division, 734-15th Street N.W., Washington, D. C., at the offices of the Statistical Bureaus of the Division, and at the offices of the several district boards; and

*It is further ordered*, That, in accordance with the provisions of the Order issued in the above entitled matter on July 19, 1939, any party to any phase of the proceeding in General Docket No. 15 may file with the Director of the Bituminous Coal Division, on or before May 13, 1940,

(1) Exceptions to the proposed findings of fact and conclusions and recommendations of the Examiners,

(2) A request that the findings and conclusions of the National Bituminous Coal Commission upon any phase of the matters included in General Docket No. 15 be reviewed by the Director, which request shall be accompanied by a specific statement of the points as to which review is desired and the contentions of the person submitting the same,

(3) A brief in support of such exceptions or contentions, which brief must comply as to form, style and number of copies with Rules XII and XXII of the "Rules of Practice and Procedure before the Commission," and

(4) A request for oral argument before the Director which shall specifically list the points to which oral argument will be addressed, and shall set forth the amount of time desired: *Provided*, That without express permission of the Director, no party in interest shall be allotted more than one (1) hour for oral argument; and

*It is further ordered*, That service of the aforesaid exceptions, requests for review, and briefs shall not be required as provided by Rule XXII of the "Rules of Practice and Procedure before the Commission",<sup>2</sup> but copies of the same will be available for inspection by interested parties at the Office of the Division, 734 15th Street N.W., Washington, D. C.; and any party filing exceptions, a request for review, or a brief shall furnish a copy thereof to any other interested party in General Docket No. 15 upon request, in the manner stated in and subject to my Order in the above entitled matter dated January 27, 1940,<sup>3</sup> providing for service of copies of briefs, exceptions and other documents; and

*It is further ordered*, That on May 17, 1940, commencing at 10 o'clock in the forenoon, in the Hearing Room of the Division, Washington Hotel, Washington, D. C., oral argument, pursuant to any requests therefor filed as hereinabove provided, will be heard by the Director; and

*It is further ordered*, That the findings and conclusions of the Director and the Order or Orders based thereon, establishing effective minimum prices and common consuming market areas, and adopting or modifying and adopting the marketing rules and regulations established by the Commission by Order of May 25, 1939, shall be final, subject only to my Order in the above entitled matter dated December 8, 1939, pertaining to the filing of exceptions with the Secretary of the Interior to the findings, conclusions and Orders of the Director; and

*It is further ordered*, That if any provision of this Order conflicts with any provision of the "Rules of Practice and Procedure before the Commission" heretofore adopted and ratified by the Division, or with any other order, the provisions of this Order shall govern. Dated, April 23, 1940.

[SEAL]

H. A. GRAY,

Director.

[F. R. Doc. 40-1608; Filed, April 23, 1940; 4:17 p. m.]

<sup>1</sup> 2 F.R. 1121.

<sup>2</sup> 5 F.R. 326.

# General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 140, ALASKA

APRIL 17, 1940.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the public lands in Alaska lying within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Alaska Road Commission in the maintenance of air navigation facilities:

Beginning at Corner No. 1, approximate latitude 61°03' N., longitude 143°29' W., from which North Base Mineral Monument (situated approximately 120 feet south of the Yellow Band Mining Company's camp buildings of the Yellow Band group in the Bremner mining district, Alaska), bears N. 51°05' E. 275.5 feet; thence from said beginning corner

N. 82° W. 300 feet to Corner No. 2;  
N. 8° E. 3,500 feet to Corner No. 3;  
S. 82° E. 300 feet to Corner No. 4;  
S. 8° W. 3,500 feet to Corner No. 1, the place of beginning, containing 24.1 acres more or less;

Beginning at Corner No. 1, approximate latitude 62°29' N., longitude 150°48' W., from which the center of the bridge over the first small creek crossing the Peters Creek road, approximately 100 feet north of the camp of the Peters Creek Mining Company (locally known as Peterville), in the Talkeetna Recording Precinct, Alaska, bears approximately N. 10°30' W. 885 feet; thence from said beginning corner

S. 5°45' W. 3,000 feet to Corner No. 2;  
N. 84°15' W. 575.7 feet to Corner No. 3;  
N. 11° E. 3,012.6 feet to Corner No. 4;  
S. 84°15' E. 300 feet to Corner No. 1, the place of beginning, containing 30.15 acres more or less;

Beginning at Corner No. 1, approximate latitude 63°10' N., longitude 156°33' W., from which a 1-inch iron post approximately 10 feet back from the left bank of the Innoko River and on the last tangent (extended) of the Takotna-Ophir Road as it enters the town of Ophir in the Innoko Recording Precinct, Alaska, bears approximately N. 45°17' E. 335 feet; thence from said beginning corner

N. 49°18' W. 3,000 feet to Corner No. 2;  
S. 40°42' W. 500 feet to Corner No. 3;  
S. 49°18' E. 3,000 feet to Corner No. 4;

N. 40°42' E. 500 feet to the place of beginning, containing 34.4 acres more or less;

Beginning at Corner No. 1, approximate latitude 65°55' N., longitude 161°55' W., from which U.S.L.M. No.

<sup>1</sup> Filed as a part of the original document.

1237 in the Fairbanks Recording Precinct, at Candle, Alaska, bears approximately S. 49° W. 2.465 feet; thence from said beginning corner

S. 12°20' E. 750 feet to Corner No. 2;  
S. 37° E. 650 feet to Corner No. 3;  
S. 44°30' E. 680 feet to Corner No. 4;  
S. 60° E. 1,580 feet to Corner No. 5;  
(Corners 1 to 5 are all on the right bank of the Keewalik River);  
N. 33°30' E. 550 feet to Corner No. 6;  
N. 48°41' W. 3,323.3 feet to Corner No. 7;  
S. 58°15' W. 239.9 feet to Corner No. 1, the place of beginning, containing 54.3 acres more or less.

W. C. MENDENHALL,  
*Acting Assistant Secretary  
of the Interior.*

[F. R. Doc. 40-1610; Filed, April 24, 1940;  
9:16 a. m.]

# FEDERAL POWER COMMISSION.

[Docket No. IT-5613]

## IN THE MATTER OF APPALACHIAN ELECTRIC COMPANY

### ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Appalachian Electric Power Company of Roanoke, Virginia, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Appalachian Electric Power Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Appalachian Electric Power Company;

(e) The Commission has granted Appalachian Electric Power Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Appalachian Electric Power Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Appalachian Electric Power Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Appalachian Electric Power Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Appalachian Electric Power Company dated July 20, 1939, for an extension of time to December 31, 1942, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 27, 1940, at 10:00 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Appalachian Electric Power Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 40-1619; Filed, April 24, 1940;  
11:51 a. m.]

[Docket No. IT-5614]

## IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY

### ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Atlantic City Electric Company of Atlantic City, New Jersey, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Atlantic City Electric Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Atlantic City Electric Company;

(e) The Commission has granted Atlantic City Electric Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Atlantic City Electric Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Atlantic City Electric Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Atlantic City Electric Company, under oath, show cause, if any there be, at a public hearing:

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Atlantic City Electric Company dated July 20, 1939, for an extension of time to June 30, 1941, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 27, 1940, at 10:00 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Atlantic City Electric Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1620; Filed April 24, 1940;  
11:51 a. m.]

[Docket No. IT-5615]

IN THE MATTER OF INDIANA GENERAL  
SERVICE COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Indiana General Service Company of Muncie, Indiana, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licenses, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly

Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Indiana General Service Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Indiana General Service Company;

(e) The Commission has granted Indiana General Service Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Indiana General Service Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Indiana General Service Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Indiana General Service Company, under oath, show cause, if any there be, at a public hearing:

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Indiana General Service Company dated July 20,

1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said Public hearing be held commencing on May 27, 1940, at 10:00 o'clock A. M. in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Indiana General Service Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1621, Filed, April 24, 1940;  
11:51 a. m.]

[Docket No. IT-5610]

IN THE MATTER OF MINNESOTA POWER &  
LIGHT COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Minnesota Power & Light Company of Duluth, Minnesota, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Minnesota Power & Light Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) Minnesota Power & Light Company is a Licensee under the provisions of the Federal Power Act and is, therefore, subject to the provisions of this Commission's Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Minnesota Power & Light Company;

(f) By letter dated October 18, 1939, the Commission granted the Minnesota Power & Light Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(g) Minnesota Power & Light Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(h) Minnesota Power & Light Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Minnesota Power & Light Company, under oath, show cause if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Minnesota Power & Light Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 20, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright

No. 81—2

Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Minnesota Power & Light Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1616; Filed, April 24, 1940;  
11:51 a. m.]

[Docket No. IT-5611]

IN THE MATTER OF PACIFIC POWER &  
LIGHT COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Pacific Power & Light Company of Portland, Oregon, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Pacific Power & Light Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) Pacific Power & Light Company is a Licensee under the provisions of the Federal Power Act and is, therefore, subject to the provisions of this Commission's Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uni-

form System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Pacific Power & Light Company;

(f) By letter dated October 18, 1939, the Commission granted the Pacific Power & Light Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(g) Pacific Power & Light Company, by petition dated December 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(h) Pacific Power & Light Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Pacific Power & Light Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Pacific Power & Light Company dated December 20, 1939, for an extension of time to July 1, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 20, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Pacific Power & Light Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1617; Filed, April 24, 1940;  
11:52 a. m.]

[Docket No. IT-5618]

## IN THE MATTER OF WHEELING ELECTRIC COMPANY

## ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Wheeling Electric Company of Wheeling, West Virginia, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Wheeling Electric Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Wheeling Electric Company;

(e) The Commission has granted Wheeling Electric Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Wheeling Electric Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission.

(g) Wheeling Electric Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Wheeling Electric Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Wheeling Electric Company dated July 20, 1939, for an extension of time to June 30, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 27, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Wheeling Electric Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1624; Filed, April 24, 1940;  
11:52 a. m.]

[Docket No. IT-5617]

## IN THE MATTER OF THE OHIO POWER COMPANY

## ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of The Ohio Power Company of Canton, Ohio, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3 and Section 4 (b) thereof,

the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) The Ohio Power Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon The Ohio Power Company;

(e) The Commission has granted The Ohio Power Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) The Ohio Power Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) The Ohio Power Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) The Ohio Power Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of The Ohio Power Company dated July 20, 1939, for an extension of time to December 31, 1942, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against

it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 27, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to The Ohio Power Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1623; Filed, April 24, 1940,  
11:52 a. m.]

[Docket No. IT-5616]

IN THE MATTER OF INDIANA & MICHIGAN  
ELECTRIC COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Indiana & Michigan Electric Company of South Bend, Indiana, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Indiana & Michigan Electric Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric

Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Indiana & Michigan Electric Company;

(e) The Commission has granted Indiana & Michigan Electric Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Indiana & Michigan Electric Company, by petition dated July 20, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Indiana & Michigan Electric Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Indiana & Michigan Electric Company, under oath, show cause, if any there be, at a public hearing:

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Indiana & Michigan Electric Company dated July 20, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 27, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which

may be applicable to the Indiana & Michigan Electric Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1622; Filed, April 24, 1940;  
11:53 a. m.]

[Docket No. IT-5612]

IN THE MATTER OF PENNSYLVANIA POWER  
& LIGHT COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Pennsylvania Power & Light Company of Allentown, Pennsylvania, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Pennsylvania Power & Light Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) Pennsylvania Power & Light Company is a Licensee under the provisions of the Federal Power Act and is, therefore, subject to the provisions of this Commission's Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts,

and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Pennsylvania Power & Light Company;

(f) By letter dated August 12, 1939, the Commission granted the Pennsylvania Power & Light Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(g) Pennsylvania Power & Light Company, by petition dated December 15, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(h) Pennsylvania Power & Light Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Pennsylvania Power & Light Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Pennsylvania Power & Light Company dated December 15, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 20, 1940, at 10:00 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley - Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Pennsylvania Power & Light Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1618; Filed, April 24, 1940;  
11:53 a. m.]

[Docket No. IT-5609]

IN THE MATTER OF KANSAS GAS AND ELECTRIC COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Kansas Gas and Electric Company of Wichita, Kansas, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Kansas Gas and Electric Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Kansas Gas and Electric Company;

(e) By letter dated March 8, 1939, the Commission granted the Kansas Gas and Electric Company an extension to July 1, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Kansas Gas and Electric Company, by petition dated July 13, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Kansas Gas and Electric Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Kansas Gas and Electric Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Kansas Gas and Electric Company dated July 13, 1939, for an extension of time to November 1, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on May 20, 1940, at 10:00 o'clock A. M. in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Kansas Gas and Electric Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1615; Filed, April 24, 1940;  
11:53 a. m.]

[Docket No. IT-5619]

IN THE MATTER OF DUQUESNE LIGHT COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Duquesne Light Company of Pittsburgh, Pennsylvania, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for

Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for Public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Duquesne Light Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Duquesne Light Company;

(e) By letter dated October 18, 1939, the Commission granted the Duquesne Light Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Duquesne Light Company, by petition dated December 27, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Duquesne Light Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Duquesne Light Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D

of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Duquesne Light Company dated December 27, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 3, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Duquesne Light Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1625; Filed, April 24, 1940;  
11:54 a. m.]

[Docket No. IT-5620]

IN THE MATTER OF CENTRAL STATES POWER  
& LIGHT CORPORATION

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Central States Power & Light Corporation of Tulsa, Oklahoma, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Central States Power & Light Corporation owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public

utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Central States Power & Light Corporation;

(e) The Commission granted the Central States Power & Light Corporation an extension to January 1, 1940, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Central States Power & Light Corporation, by petition dated January 4, 1940, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Central States Power & Light Corporation has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Central States Power & Light Corporation, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Central States Power & Light Corporation dated January 4, 1940, for an extension of time to November 1, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing to be held commencing on June 10, 1940, at 10:00

o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Central States Power & Light Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1626; Filed, April 24, 1940;  
11:54 a. m.]

[Docket No. IT-5621]

IN THE MATTER OF INTERSTATE POWER  
COMPANY OF DELAWARE

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Interstate Power Company of Delaware, Dubuque, Iowa, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Interstate Power Company of Delaware owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending

the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Interstate Power Company of Delaware;

(e) The Commission granted the Interstate Power Company of Delaware an extension to January 1, 1940, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Interstate Power Company of Delaware, by petition dated December 27, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Interstate Power Company of Delaware has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Interstate Power Company of Delaware, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Interstate Power Company of Delaware dated December 27, 1939, for an extension of time to January 1, 1941, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 10, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Interstate Power Company of Delaware.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1627; Filed, April 24, 1940;  
11:54 a. m.]

[Docket No. IT-5622]

IN THE MATTER OF INTERSTATE POWER  
COMPANY OF NEBRASKA  
ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Interstate Power Company of Nebraska, Dubuque, Iowa, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Interstate Power Company of Nebraska owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Interstate Power Company of Nebraska;

(e) The Commission granted the Interstate Power Company of Nebraska an extension to January 1, 1940, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Interstate Power Company of Nebraska, by petition made on its behalf

by Interstate Power Company of Delaware dated December 27, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Interstate Power Company of Nebraska has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Interstate Power Company of Nebraska, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Interstate Power Company of Delaware made on behalf of Interstate Power Company of Nebraska dated December 27, 1939, for an extension of time to January 1, 1941, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 10, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Interstate Power Company of Nebraska.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1628; Filed, April 24, 1940; 11:54 a. m.]

[Docket No. IT-5623]

IN THE MATTER OF INTERSTATE POWER  
COMPANY OF WISCONSIN

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Interstate Power Company of Wisconsin, Dubuque, Iowa, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed

for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Interstate Power Company of Wisconsin owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Interstate Power Company of Wisconsin;

(e) The Commission granted the Interstate Power Company of Wisconsin an extension to January 1, 1940, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Interstate Power Company of Wisconsin, by petition made on its behalf by Interstate Power Company of Delaware, dated December 27, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Interstate Power Company of Wisconsin has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Interstate Power Company of Wisconsin, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D

of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Interstate Power Company of Delaware made on behalf of Interstate Power Company of Wisconsin, dated December 27, 1939, for an extension of time to January 1, 1941, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 10, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Interstate Power Company of Wisconsin.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1629; Filed, April 24, 1940; 11:55 a. m.]

[Docket No. IT-5624]

IN THE MATTER OF MISSOURI ELECTRIC  
POWER COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Missouri Electric Power Company of Tulsa, Oklahoma, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Missouri Electric Power Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric

energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Missouri Electric Power Company;

(e) The Commission granted the Missouri Electric Power Company an extension to January 1, 1940, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Missouri Electric Power Company, by petition made on its behalf by Central States Power & Light Corporation dated January 4, 1940, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Missouri Electric Power Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Missouri Electric Power Company, under oath, show cause, if any there be, at a public hearing:

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Central States Power & Light Corporation on behalf of its subsidiary, Missouri Electric Power Company, dated January 4, 1939, for an extension of time to November 1, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 10, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Missouri Electric Power Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1630; Filed, April 24, 1940;  
11:55 a. m.]

[Docket No. IT-5625]

IN THE MATTER OF FLORIDA POWER  
CORPORATION

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Florida Power Corporation of St. Petersburg, Florida, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Florida Power Corporation owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) Florida Power Corporation is a Licensee under the provisions of the Federal Power Act and is, therefore, subject to the provisions of this Commission's Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Florida Power Corporation;

(f) By letter dated August 30, 1939, the Commission granted the Florida Power Corporation an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(g) Florida Power Corporation, by petition dated January 11, 1940, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(h) Florida Power Corporation has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Florida Power Corporation, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Florida Power Corporation dated January 11, 1940, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Florida Power Corporation.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1631; Filed, April 24, 1940;  
11:55 a. m.]

[Docket No. IT-5626]

IN THE MATTER OF GEORGIA POWER AND  
LIGHT COMPANY

## ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Georgia Power and Light Company of St. Petersburg, Florida, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Georgia Power and Light Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Georgia Power and Light Company;

(e) By letter dated August 30, 1939, the Commission granted the Georgia Power and Light Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Georgia Power and Light Company, by petition dated January 11,

1940, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Georgia Power and Light Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Georgia Power and Light Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Georgia Power and Light Company dated January 11, 1940, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's Order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Georgia Power and Light Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1632; Filed, April 24, 1940;  
11:56 a. m.]

[Docket No. IT-5627]

IN THE MATTER OF THE KENTUCKY-TEN-  
NESSEE LIGHT & POWER COMPANY

## ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of The Kentucky-Tennessee Light & Power Company of Bowling Green, Kentucky, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) The Kentucky-Tennessee Light & Power Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon The Kentucky-Tennessee Light & Power Company;

(e) By letter dated October 18, 1939, the Commission granted The Kentucky-Tennessee Light & Power Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) The Kentucky-Tennessee Light & Power Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) The Kentucky-Tennessee Light & Power Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) The Kentucky-Tennessee Light & Power Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of The Kentucky-Tennessee Light & Power Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to The Kentucky-Tennessee Light & Power Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1633; Filed, April 24, 1940;  
11:56 a. m.]

[Docket No. IT-5628]

IN THE MATTER OF LOUISIANA PUBLIC UTILITIES COMPANY, INC.

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Louisiana Public Utilities Company, Inc., of Bowling Green, Kentucky, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Louisiana Public Utilities Company, Inc. owns or operates facilities for

the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Louisiana Public Utilities Company, Inc.;

(e) By letter dated October 18, 1939, the Commission granted Louisiana Public Utilities Company, Inc. an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Louisiana Public Utilities Company, Inc., by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Louisiana Public Utilities Company, Inc. has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Louisiana Public Utilities Company, Inc., under oath, show cause, if any there be, at a public hearing:

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Louisiana Public Utilities Company, Inc. dated December 29, 1939, for an extension of the time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the

Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M. in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Louisiana Public Utilities Company, Inc.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1634; Filed April 24, 1940;  
11:57 a. m.]

[Docket No. IT-5629]

IN THE MATTER OF METROPOLITAN EDISON COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Metropolitan Edison Company of Reading, Pennsylvania, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Metropolitan Edison Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Metropolitan Edison Company;

(e) By letter dated October 18, 1939, the Commission granted the Metropolitan Edison Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Metropolitan Edison Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Metropolitan Edison Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Metropolitan Edison Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Metropolitan Edison Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's Order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M. in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Metropolitan Edison Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1635; Filed, April 24, 1940;  
11:57 a. m.]

[Docket No. IT-5630]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of New York State Electric & Gas Corporation of Ithaca, New York, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) New York State Electric & Gas Corporation owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon New York State Electric & Gas Corporation;

(e) By letter dated October 18, 1939, the Commission granted the New York State Electric & Gas Corporation an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) New York State Electric & Gas Corporation, by petition dated December 29,

1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) New York State Electric & Gas Corporation has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) New York State Electric & Gas Corporation, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of New York State Electric & Gas Corporation dated December 29, 1939, for an extension of time, to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to New York State Electric & Gas Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1636; Filed, April 24, 1940;  
11:57 a. m.]

[Docket No. IT-5631]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Pennsylvania Electric Company of Johnstown, Pennsylvania, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Pennsylvania Electric Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) Pennsylvania Electric Company is a Licensee under the provisions of the Federal Power Act and is, therefore, subject to the provisions of this Commission's Uniform System of Accounts;

(d) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(e) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Pennsylvania Electric Company;

(f) By letter dated October 18, 1939, the Commission granted the Pennsylvania Electric Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(g) Pennsylvania Electric Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(h) Pennsylvania Electric Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Pennsylvania Electric Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Pennsylvania Electric Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the Pennsylvania Electric Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1637; Filed, April 24, 1940;  
11:57 a. m.]

[Docket No. IT-5632]

IN THE MATTER OF SOUTH CAROLINA  
ELECTRIC & GAS COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of South Carolina Electric & Gas Company of Columbia, South Carolina, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) South Carolina Electric & Gas Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public

utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43 adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon South Carolina Electric & Gas Company;

(e) By letter dated October 18, 1939, the Commission granted the South Carolina Electric & Gas Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) South Carolina Electric & Gas Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) South Carolina Electric & Gas Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) South Carolina Electric & Gas Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of South Carolina Electric & Gas Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the

Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to the South Carolina Electric & Gas Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1638; Filed, April 24, 1940;  
11:58 a. m.]

[Docket No. IT-5633]

IN THE MATTER OF TIDE WATER POWER  
COMPANY

ORDER TO SHOW CAUSE

APRIL 16, 1940.

Commissioners: Leland Olds, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Clyde L. Seavey.

The Commission, having under consideration the failure of Tide Water Power Company of Wilmington, North Carolina, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act, particularly Sections 301 (a), 304 (a), 309, paragraph 13 of Section 3, and Section 4 (b) thereof, the Commission, by its Order No. 42, dated June 16, 1936, adopted a Uniform System of Accounts for public utilities and licensees subject to the provisions of the Federal Power Act, and by its Order No. 43, dated December 31, 1936, amended said Uniform System of Accounts;

(b) Tide Water Power Company owns or operates facilities for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and is, therefore, a public utility within the meaning of the Federal Power Act subject to the provisions of this Commission's Uniform System of Accounts;

(c) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, statements, and information pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, said data, statements, and information to be submitted on or before January 1, 1939;

(d) Order No. 42 adopted June 16, 1936, prescribing the Commission's Uniform System of Accounts, Order No. 43

adopted December 31, 1936, amending the said Uniform System of Accounts, and the order of May 11, 1937, directing all public utilities and licensees to submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2-D of the said Uniform System of Accounts, were duly served upon Tide Water Power Company;

(e) By letter dated October 18, 1939, the Commission granted the Tide Water Power Company an extension to December 31, 1939, of the time within which to complete and file the data, statements and information requested by its Order No. 42, Order No. 43, and its order adopted May 11, 1937;

(f) Tide Water Power Company, by petition dated December 29, 1939, has made application for further extension of time in which to comply with the aforesaid orders of the Commission;

(g) Tide Water Power Company has failed to file the data, statements and information required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and by the Commission's order adopted May 11, 1937;

The Commission orders that:

(A) Tide Water Power Company, under oath, show cause, if any there be, at a public hearing;

(1) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of Tide Water Power Company dated December 29, 1939, for an extension of time to December 31, 1940, within which to comply with the aforesaid orders of the Commission, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(B) Said public hearing be held commencing on June 17, 1940, at 10:00 o'clock A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(C) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of any general orders of the Commission which may be applicable to Tide Water Power Company.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-1639; Filed, April 24, 1940;  
11:58 a. m.]

RAILROAD RETIREMENT BOARD.

IN THE MATTERS OF THE EMPLOYER STATUS OF NATIONAL CARLOADING CORPORATION, UNIVERSAL CARLOADING & DISTRIBUTING COMPANY, INC., AND OF INDIVIDUALS WHO HAVE BEEN ENGAGED IN THE PERFORMANCE OF THE OPERATION OF THOSE COMPANIES

Notice is hereby given to all persons interested that upon the request of one or more of the parties and pursuant to the authority vested in me by Board Order No. 40-26, adopted January 12, 1940, the hearings in the above matters which have been set for April 25, 1940,<sup>1</sup> at 10:00 A. M. at the offices of the Board in Washington, D. C. are postponed to May 27, 1940, at the same time and place.

JOSEPH A. FANELLI,  
Examiner.

Dated, April 22, 1940.

[F. R. Doc. 40-1607; Filed, April 23, 1940;  
2:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1940.

[File Nos. 70-1 and 70-9]

IN THE MATTER OF WISCONSIN ELECTRIC  
POWER COMPANY, THE NORTH AMERICAN  
COMPANY

ORDER GRANTING APPLICATION

Wisconsin Electric Power Company, a direct subsidiary of The North American Company, a registered holding company, having filed (1) an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the Act of the issuance and sale of 262,098 shares of Serial Preferred Stock, 4¾% Series, (\$100 par value), and a maximum of 382,098 shares of Common Stock (\$10 par value); (2) an application pursuant to Rule U-12C-1 promulgated pursuant to Act regarding the acquisition of the outstanding 6% Preferred Stock, Issue of 1921, for retirement; and (3) a declaration pursuant to section 7 of the Act regarding the proposed alteration of rights of the holders of its outstanding securities;

The North American Company having filed (1) an application pursuant to section 10 of the Act regarding the acquisition of the 4¾% Preferred Stock and Common Stock proposed to be issued and sold by Wisconsin Electric Power

<sup>1</sup> 5 FR. 1319.

Company; and (2) an application pursuant to Rule U-12D-1 promulgated under the Act for approval of the sale of Wisconsin Electric Power Company's 6% Preferred Stock now held by it;

A public hearing having been held on said applications and declarations after appropriate notice;

*It is ordered*, That the application of Wisconsin Electric Power Company pursuant to section 6 (b) of the Act be and the same hereby is granted; the other applications hereinabove mentioned, be and the same hereby are approved; and the declarations be and the same hereby are permitted to become effective forthwith, subject, however, to the following conditions which we deem necessary and appropriate in the public interest:

(1) That, the proposed issuance, sales, acquisition and the proposed change of rights be effected in all respects and in accordance and for the purposes represented by the declaration and applications filed herein;

(2) That within ten days after the consummation of the several transactions hereby authorized, Wisconsin Electric Power Company and The North American Company shall file with this Commission a certificate, or certificates of notification showing that said transactions have been effected in accordance with the terms and conditions and for the purposes represented by said declaration and applications; and

(3) That, when all expenses, incurred in connection with the issuance and sale

of the securities and the preparation and prosecution of the applications concerned with the present transaction shall be actually paid, Wisconsin Electric Power Company shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged and a detailed description of the services rendered for which such payments were made.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 40-1611; Filed, April 24, 1940;  
11:40 a. m.]